IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1644 OF 2006

Shri Govind Padamshi ...Appellant
Vs.
Municipal Corpn. of Gr.Bombay ...Respondent

Shri B.P. Pandey for the Appellant.
Shri J.J. Xavier for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 08, 2006.

P.C.:

1. After arguing the Appeal for some time the learned Advocate appearing for the Appellant has placed on record affidavit of one Rajiv Lodaya, a partner of the Appellant-Firm. In the said affidavit it is stated that the appellant desires to move the State Government under sub-section 3 of Section 90 of the Maharashtra Regional and Town Planning Act, 1966 for challenging the notices dated 13th May, 1982. The learned Advocate appearing for the Appellant states the Appellant desires to unconditionally withdraw the Appeal. The Affidavit is taken on record.

2. The learned Advocate appearing for the Appellant submitted that protection may be granted for a limited time in favour of the Appellant to enable the Appellant to apply for appropriate interim relief

before the State Government. I have heard the learned Advocate appearing for the Appellant.

3. Hence, I pass the following order:

(i) The Appeal is dismissed as withdrawn.

(ii) Dismissal of the Appeal will not prevent the Appellant from making an Application under section 90(3) of the Maharashtra Regional and Town Planning Act, 1966 to the State Government for challenging notices dated 13th May, 1982. If such Application is made, it will be obviously decided on its own merits. It is made clear that the Respondent-Corporation will be entitled to contest such Application on all available grounds.

(iii) To enable the Appellant to apply to the State Government for appropriate interim relief, both the parties are directed to maintain status-quo as of today in respect of the suit structure for a period of eight weeks from today. It is made clear that Application, if any, made by

the Appellant before the State Government for interim relief will be decided uninfluenced by grant of limited protection by this court.

(iv) Parties to act upon an authenticated copy of this order.

JUDGE